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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,360	03/06/2001	Edward L. Schwartz	74451.P127D4	4279
7590	08/27/2004			EXAMINER CHEN, WENPENG
Michael J. Mallie BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT 2624	PAPER NUMBER DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/801,360	SCHWARTZ ET AL.
	Examiner	Art Unit
	Wenpeng Chen	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 16.

- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**Examiner's responses to Applicant's remark**

1. Applicants' arguments and amendments filed on 5/24/2004 have been fully considered.

The amendments overcome:

- the objection to drawings set forth in paper #15;
- the objection to specification set forth in paper #15;
- the objection to Claim 17 set forth in paper #15;
- the rejection under 35 U.S.C. 112, first paragraph to Claims 18-21 set forth in paper #15

2. The Applicants did not respond to the rejection under 35 U.S.C. 112, second paragraph to Claims 1-17 set forth in paper #15. The rejection is maintained.

***Drawings***

3. The drawings are objected to because:

- "JPEG 20W" in block 905 of Fig. 9 shall be changed to "JPEG 2000".

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-17 and 22-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the following reasons.

There are insufficient antecedent bases for the following limitations.

- Claim 1 recites the limitation "the replacement tile" in line 8.
- Claim 7 recites the limitation "the replacement tile" in line 10.
- Claim 8 recites the limitation "the replacement tile" in line 9.
- Claim 9 recites the limitation "the replacement tile" in lines 8- 9.
- Claim 16 recites the limitation "the replacement tile" in lines 10-11.
- Claim 17 recites the limitation "the replacement tile" in lines 9-10.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcellin et al. ("An Overview of JPEG-2000," Michael W. Marcellin, et al., Proceedings of Data Compression Conference, DCC 2000, 28-30 March 2000, pages 523-541 cited previously) in view of Larsson et al. (US patent application publication 2003/0110299 cited previously.)

For Claims 18-19, Marcellin teaches a method comprising:

-- editing a portion of a codestream; (section 5.4)

-- generating a replacement portion for the portion of the codestream with truncating packets in the replacement tile until the size of the replacement tile is equal to the size of the portion of the codestream; (section 5.4)

-- wherein creating a replacement tile includes providing an indication in the replacement tile that other portions of the codestream contain useless data, wherein the indication is a marker; (sections 3, 5; Marcellin uses JPEG-2000 bitstream. JPEG 2000 standard ISO/IEC 15444-1:2000(E) teaches (1) in page 22, section A.4.2 that Tnsot indicates the number of tile-parts includes in a tile and (2) in page 14, section A.1.3 that

after truncation, a marker segment of a tile shall be updated. The marker segment includes an indication of useless data in the original bitstream, namely the tile-parts after Tnsot are truncated.)

-- wherein the marker is comprises a COM marker. (Page 56 of JPEG 2000 standard ISO/IEC 15444-1:2000(E) teaches that a COM marker is included in its code stream.)

However, Marcellin does not teach explicitly features related for determining, decoding, editing, and recompressing a portion as recited.

Larsson teaches a method comprising:

- determining a portion of a codestream to edit; (section 0076)
- decoding the portion of the codestream; (section 0077)
- performing an edit to the decoded portion of the codestream; (section 0077)
- recompressing edited data into coded data. (section 0077)

It is desirable to provide a client the capability of requesting a better quality for regions of interest (ROI) in an image delivered by a server. It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply Larsson's teaching to determine, decode, edit, and recompress a ROI and store the recoded data in the JPEG 2000 format taught by Marcellin including indicating useless data with a COM marker, because the combination provides a client an additional capability of receiving images with improved ROI quality.

The combination thus also teaches the feature: recompressing edited data into coded data, including placing coded data at the end of a codestream file and indicating

that data that depends from the decoded portion of the codestream prior to the editing as useless data using a COM market.

Both Marcellin (sections 1 and 4) and Larsson (the server shown in Fig. 1, section 0113) teach systems to implement the above methods. Therefore, the combination of Marcellin and Larsson also teaches the corresponding apparatus of Claim 21

In section 4, Marcellin teaches a JPEG-2000 coding engine with JPEG-2000 algorithm. Furthermore, Marcellin shows that the JPEG-2000 coding engine with the JPEG-2000 algorithm has been used to evaluate JPEG-2000 compression as shown in section 6. For the JPEG-2000 coding engine to operate, the JPEG-2000 algorithm shall be stored in a memory in the engine or system. The memory such as a hard disk is the article of Claim 20.

***Allowable Subject Matter***

8. Claims 1-17 and 22-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to teach the methods of Claims 1 and 9, the articles of Claims 7 and 16, and the apparatuses of Claims 8 and 17 which specifically comprise the following feature in combination with other limitations associated the claims:

-- *generating a replacement portion* for the portion of the codestream by making size of the replacement portion equal to size of the portion of the codestream by *adding*

*padding to the replacement tile if the replacement tile is smaller than the portion of the codestream; and*

*-- quantizing the replacement tile to fit the size of the portion of the codestream if the replacement tile is larger than the portion of the codestream.*

### **Conclusion**

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen  
Examiner  
Art Unit 2624

August 20, 2004

